

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SYMBRIA, INC., *et al.*,

Plaintiffs,

v.

JOHN R. CALLEN, *et al.*,

Defendants.

Case No.: 1:20-cv-04084

Judge Mary M. Rowland

**DEFENDANTS' JOINT MOTION FOR STATUS HEARING**

Defendants John Callen (“Callen”), Christos Dilmas (“Dilmas”), United Methodist Homes and Services (“UMHS”), Chicago Rehabilitation Collective PLLC (“Chicago Rehab”) and the defendant entities referred to at various times as the MedRehab Entities<sup>1</sup> (collectively “Defendants”), through counsel, respectfully request the Court set a status hearing to address issues raised by the dismissal of defendant Christine Irvine. In support of their motion, Defendants state as follows:

1. Plaintiffs filed this action on July 10, 2020, against multiple individuals and entities that they allege compete with Plaintiffs in providing rehabilitation and wellness services to post-acute care and senior living communities.

2. Plaintiffs’ Third Amended Complaint asserts claims for misappropriation of trade secrets, breach of non-solicitation and non-competition covenants, breach of contract, breach of fiduciary duty, tortious interference with contract, tortious interference with business expectancy, and aiding abetting breach of fiduciary duty.

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<sup>1</sup> The so-called “MedRehab Entities” are MedRehab Alliance Holdings, Inc., MedRehab Alliance, LLC, MedRehab Alliance Interstate, LLC, Illinois Ancillary Services Network, LLC, Pearl Health Care Services, Inc., MedRehab Therapy Associates of Illinois, LLC, Joint & Neuro Rehab Associates, LLC, and MedRehab Alliance Wisconsin, LLC.

3. All Defendants have moved to dismiss Plaintiffs' Third Amended Complaint (as they had moved to dismiss every prior version of Plaintiffs' Complaint). (Dkts. 210, 212, 214, 215). The motions to dismiss have been fully briefed since May 10, 2021.

4. Discovery is ongoing. Written fact discovery recently closed and the parties are expected to commence oral fact discovery. (Dkts. 318, 381).

5. On December 15, 2021, this Court entered a Consent Order between Plaintiffs and defendant Christine Irvine ("Irvine") and dismissed with prejudice Plaintiffs' claims against Irvine. (Dkts. 388, 390).

6. The dismissal of Defendant Irvine may have an impact on Plaintiffs' claims against certain of the remaining defendants, to the extent those defendants are alleged to have committed wrongful or unlawful acts through or in concert with Irvine.

7. Certain Defendants seek to supplement their motions to dismiss with legal authority and argument pertaining to the impact of Irvine's dismissal on the claims against them.

8. Defendants are mindful, however, of the Court's case load and docket, and do not intend to delay the Court's ruling on the pending motions to dismiss.

9. Defendants respectfully request a status hearing to discuss these issues and the Court's preference on how they should be addressed.

10. Defendants have not noticed this motion for presentment as required by Local Rule 26.2 due to the Sixth Amended General Order 20-0012 suspending the in-person presentment of all motions.

WHEREFORE, Defendants respectfully request that the Court enter an order setting a status hearing, and grant them such other relief as is just and appropriate in the circumstances.

Dated: December 29, 2021

Respectfully submitted,

/s/ Paige M. Canepari

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### **CERTIFICATE OF SERVICE**

I certify that on December 29, 2021, I caused the foregoing document to be filed electronically with the Clerk of the Court via CM/ECF, which will notify all parties in this matter who are registered with the Court's CM/ECF filing system of such filing.

/s/ Marc H. Kallish